United Nations S/2018/1135

Security Council

Distr.: General
31 December 2018
English
Original: French

Letter dated 17 December 2018 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2018. The report, which was approved by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

I should be grateful if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Mansour Ayyad **Alotaibi**
Chair
Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

18-21300 (E) 271218 311218

Please recycle

[Original: English]

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2018.

2. The Bureau of the Committee consisted of Ma'sour Ayyad Sh. A. Alotaibi (Kuwait), as Chair and the representatives of Peru and Poland as Vice-Chairs.

II. Background

3. By its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri and on groups not party to the Comprehensive and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo. By its resolution 1533 (2004), the Council established the Committee and requested the Secretary-General, in consultation with the Committee, to establish a group of experts to monitor the implementation of the arms embargo. The scope of the embargo was subsequently amended several times; most significantly, by paragraph 2 of its resolution 1807 (2008), the Council determined that the measures on arms no longer applied to the Government of the Democratic Republic of the Congo. By paragraph 3 (a) of the same resolution, the Council also clarified that the measures on arms would not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). By paragraph 1 of its resolution 2136 (2014), the Council decided that the measures on arms would not apply to the supply of arms and related materiel, in addition to assistance, advice or training, intended solely for the support of or use by the African Union Regional Task Force. The arms embargo similarly does not apply to supplies of protective clothing or non-lethal military equipment intended solely for humanitarian or protective use.

4. By its resolution 1596 (2005), the Security Council imposed targeted travel and financial measures on individuals and entities designated by the Committee as violating the arms embargo. In subsequent resolutions, the Council gradually expanded the criteria based upon which an individual or entity may be designated for targeted sanctions to include political and military leaders who impede the disarmament process, use children in armed conflict or target children or women in situations of armed conflict.

5. The Group of Experts on the Democratic Republic of the Congo initially consisted of four experts, a number that was increased to five experts by the Security Council in its resolution 1596 (2005) and then again increased to six experts by the Council in its resolution 1952 (2010). The Group's mandate was most recently extended by the Council in its resolution 2424 (2018).

6. Further background information on the Democratic Republic of the Congo sanctions regime can be found in the previous annual reports of the Committee.

III. Summary of the activities of the Committee

7. The Committee held one formal meeting, on 30 April, met five times in informal consultations, on 23 March, 30 April, 18 May, 31 August and 6 December; and held two briefings for Member States on 26 January and 27 July, in addition to conducting its work through written procedures.

8. During the briefing held on 26 January, the Committee heard a presentation by videoconference by the Coordinator of the Group of Experts regarding the Group's midterm report submitted pursuant to paragraph 6 of resolution 2360 (2017) (S/2017/1091).

9. During the informal consultations held on 23 March, the Committee heard a statement by the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of MONUSCO and received briefings on the MONUSCO arms embargo-monitoring mandate by its Joint Mission Analysis Centre and on weapons and ammunition management by the Mine Action Service.

10. During the formal meeting held on 30 April, the Committee met a representative of the Permanent Mission of the Democratic Republic of the Congo to the United Nations on combating sexual violence and child recruitment in the Democratic Republic of the Congo.

11. During the informal consultations held on 30 April, the Committee received briefings by the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

12. During the informal consultations held on 18 May, the Committee heard a presentation by the Group of Experts on its final report (S/2018/531), submitted pursuant to paragraph 6 of resolution 2360 (2017), and discussed the recommendations contained therein.

13. During the briefing to Member States held on 27 July, the Committee heard a presentation by videoconference by the Coordinator of the Group of Experts regarding the Group's final report (S/2018/531) and statements by the representatives of Burundi, the Congo (Chair of the International Conference on the Great Lakes Region), the Democratic Republic of the Congo, Rwanda, Uganda and the United Republic of Tanzania.

14. During the informal consultations held on 31 August, the Committee heard a presentation and held a discussion in connection with the programme of work of the Group of Experts in pursuance of resolution 2424 (2018).

15. During the informal consultations held on 6 December, the Committee heard a presentation by the Coordinator of the Group of Experts on the Group's midterm report (S/2018/1133), submitted in accordance with paragraph 4 of resolution 2424 (2018), and discussed the recommendations contained therein.

16. Following the above-mentioned Committee meetings and briefings to Member States, and in accordance with paragraph 104 of the annex to the note by the President of the Security Council contained in document S/2017/507, the Committee issued press releases containing brief summaries of the meetings.

17. On 26 July, the Chair of the Committee briefed the Security Council on the work of the Committee (see S/PV.8318).

18. The Committee sent 59 communications to 26 Member States and other stakeholders with reference to the implementation of the sanctions measures.

IV. Exemptions

19. Exemptions to the arms embargo are contained in paragraphs 2 and 3 of resolution 1807 (2008).

20. Exemptions to the travel ban are contained in paragraph 10 of resolution 1807 (2008).

21. Exemptions to the asset freeze are contained in paragraph 12 of resolution 1807 (2008).

22. The Committee received 9 arms embargo notifications in pursuance of paragraph 5 of resolution 1807 (2008), paragraphs 2 and 3(c) of resolution 2293 (2016), as most recently renewed in resolution 2424 (2018), for the provision of weapons, ammunition and arms and related materiel to the Government of the Democratic Republic of the Congo.

V. Sanctions list

23. The criteria for the designation of individuals and entities as subject to the travel ban and asset freeze are set out in paragraph 7 of resolution 2293 (2016) as reaffirmed and expanded in paragraph 2 of resolution 2424 (2018). The procedures for requesting listing and delisting are described in the Committee's guidelines for the conduct of its work.

24. On 1 February, the Committee listed four individuals subject to the measures reaffirmed in paragraph 2 of resolution 2424 (2018).

25. As at the end of the reporting period, there were 35 individuals and nine entities on the sanctions list of the Committee.

VI. Group of Experts

26. The Committee continued to follow developments on the murder in March 2017 of two members of the Group of Experts.

27. The final report of the Group of Experts submitted pursuant to paragraph 6 of resolution 2360 (2017) was issued as a document of the Council on 4 June (S/2018/531).

28. On 26 July, following the adoption by the Security Council of resolution 2424 (2018), the Secretary-General appointed six individuals to the Group of Experts, with expertise in arms (one expert), armed groups (two experts), natural resources/financial issues (two experts) and humanitarian issues (one expert) (S/2017/683). The mandate of the Group will expire on 1 August 2019.

29. On 12 November, in accordance with paragraph 4 of resolution 2424 (2018), the Group of Experts provided its midterm report to the Committee, which was transmitted to the Security Council on 18 December and issued as a document of the Council (S/2018/1133).

30. The Group of Experts conducted regular visits to the Democratic Republic of the Congo (primarily to Goma and Beni, North Kivu; and Bukavu, South Kivu) and also visited France, Italy, Kenya, Rwanda, Sweden, Uganda, the United Arab Emirates and the United States of America.

31. In pursuance of its mandate, the Group of Experts, through the Secretariat, sent 75 letters to Member States, the Security Council, the Committee and international and national entities.

VII. Secretariat administrative and substantive support

32. The Security Council Affairs Division provided substantive and procedural support to the Chair and the members of the Committee. Advisory support was also provided to Member States to promote understanding of the sanctions regime and facilitate the implementation of the sanctions measures. Induction briefings were also provided to incoming members of the Council to familiarize them with the specific issues relevant to the sanctions regime.

33. To support the Committee in its recruitment of well-qualified experts to serve on sanctions monitoring groups, teams and panels, a note verbale was sent to all Member States on 5 December to request the nomination of qualified candidates for membership of the roster of experts. In addition, a note verbale was sent to all Member States on 9 April notifying them of upcoming vacancies on the Group of Experts and providing information on recruitment timelines, areas of expertise and pertinent requirements.

34. The Division continued to provide support to the Group of Experts, conducting an induction for newly appointed members and assisting in the preparation of the Group's final report submitted in April and its midterm report submitted in November. In August, the Secretariat circulated an updated handbook for sanctions experts, containing information to facilitate their work and to answer frequently asked questions that may arise during their term. The information is based on relevant United Nations rules and regulations, as well as practices and procedures established by the Secretariat.

35. The Secretariat continued to update and maintain the Consolidated United Nations Security Council Sanctions List and the committee-specific sanctions lists in the six official languages and the three technical formats. Furthermore, the Secretariat implemented improvements concerning the effective utilization of and access to sanctions lists, as well as the further development in all official languages of the data model approved in 2011 by the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, as requested by the Council in paragraph 54 of resolution 2368 (2017).